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Human Rights Council
Thirty-fourth session
27 February–24 March 2017
Agenda item 4
Human rights situations that require the Council's attention

Albania, Andorra,* Australia,* Austria,* Belgium, Bulgaria,* Canada,* Croatia,* Cyprus,* Denmark,* Finland,* Georgia, Greece,* Ireland,* Latvia, Liechtenstein,* Luxembourg,* Malta,* Mexico,* Montenegro,* Netherlands, Norway,* Paraguay, Poland,* Romania,* Slovenia, Spain,* Sweden,* Switzerland, the former Yugoslav Republic of Macedonia,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

34/... Situation of human rights in South Sudan

The Human Rights Council,

Guided by the purposes and principles of the Charter of the United Nations,

Guided also by the Universal Declaration of Human Rights, the African Charter on Human and Peoples' Rights and relevant human rights treaties,

Emphasizing that States have the primary responsibility for the promotion and protection of human rights,

Recalling the twenty-sixth special session of the Human Rights Council, including Council resolution S-26/1 of 14 December 2016 on the situation of human rights in South Sudan, and Council resolution 31/20 of 23 March 2016, in which the Council established the Commission on Human Rights in South Sudan, and all other previous Human Rights Council and Security Council resolutions and President's statements on South Sudan,

Deeply alarmed by the statements made at the twenty-sixth special session of the Human Rights Council, including the statement of the Commission on Human Rights in South Sudan that the conflict and violence in South Sudan could destabilize the entire region, the statement of the Special Adviser of the Secretary-General on the Prevention of Genocide that there is an ongoing, serious threat of renewed violence and a strong and imminent risk of violence escalating along ethnic lines, with the potential for genocide, in South Sudan, and the statement of the United Nations High Commissioner for Human Rights that killings, sexual violence, ill-treatment, abductions, forcible recruitment and the

* State not a member of the Human Rights Council.

looting and destruction of homes and villages are taking place on a massive scale across many parts of the country,

Welcoming that the Government of South Sudan has committed to cooperating with the Office of the High Commissioner, United Nations special procedures, the universal periodic review and the Commission on Human Rights in South Sudan in the fulfilment of its mandate,

Noting the initial steps taken by the Government of South Sudan towards a National Dialogue, and strongly encouraging a transparent and inclusive political process as a means towards lasting stability in South Sudan,

Noting with appreciation the report of the Commission on Human Rights in South Sudan[1] and the recommendations therein, including those on ending impunity and ensuring accountability, and deeply concerned about the findings of warning signs and indicators, including the dehumanization of others through hate speech, economic volatility and instability, starvation, the killing of and attacks against civilians, forced displacement and the burning of villages in South Sudan,

Welcoming the joint report of the Office of the High Commissioner and the United Nations Mission in South Sudan of January 2017 and the recommendations contained therein, and deeply concerned about the finding that there are serious and ongoing gross human rights violations and abuses and violations of international humanitarian law, including those that may amount to war crimes and crimes against humanity, that were perpetrated by all parties to the conflict, including the direct targeting of civilians along ethnic lines and the extreme violence against women and children,

Deeply concerned by the allegations of human rights violations and abuses in the reports of the Secretary-General and the interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015),[2]

Noting with grave concern the conclusions of the report of the African Union Commission of Inquiry on South Sudan of 15 October 2014,

Recalling all relevant decisions and communiqués of the African Union and the Intergovernmental Authority on Development, including the joint declaration of the African Union, the Intergovernmental Authority on Development and the United Nations of 29 January 2017, which reaffirmed their continued and collective commitment in the search for lasting peace, security and stability in South Sudan, and the African Union Peace and Security Council communiqué of 26 September 2015, which, inter alia, reaffirmed the commitment of the African Union to combating impunity, reiterated condemnation of the violence and abuses committed by armed actors in South Sudan, and agreed to the establishment of an independent hybrid court pursuant to the Agreement on the Resolution of the Conflict in the Republic of South Sudan, and in this regard encouraging its speedy establishment,

Concerned by ethnically motivated incitement to hatred and violence by all sides, reports of targeting of civilians based on ethnicity, and sexual and gender-based violence becoming increasingly widespread,

Calling upon all parties to fully implement the 2015 peace agreement and to conclude a permanent ceasefire,

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[1] A/HRC/34/63.

[2] S/2016/963.

Deeply alarmed at the escalation of violence in the Equatoria region, which has resulted in increased flows of refugees into neighbouring countries and renewed violence in the former States of Unity and Upper Nile,

Deeply alarmed that more than 16,800 structures have been destroyed in the southern Equatoria region since September 2016, in an indication of violence committed in or around civilian areas,

Expressing grave concern about the 20 February 2017 declaration of famine in parts of the former Unity State, as well as mass displacements within South Sudan and outside the country, noting that the humanitarian crisis is caused primarily by conflict, commending humanitarian agencies for their continued assistance to the affected populations, and recalling the need for all parties to the conflict to allow and facilitate, pursuant to United Nations guiding principles of humanitarian assistance, including humanity, neutrality, impartiality and independence, the full, safe and unhindered access of relief personnel, equipment and supplies and the timely delivery of humanitarian assistance to all those in need, in particular to internally displaced persons and refugees,

Condemning in the strongest terms all attacks against humanitarian personnel and facilities that have resulted in the death of at least 70 humanitarian personnel since December 2013, including the attack on the Terrain compound on 11 July 2016 and attacks against medical workers and facilities, as well as the continued obstruction and extortion of humanitarian assistance convoys and the wholesale looting and destruction of humanitarian compounds in the Greater Pibor Administrative Area, Unity and Upper Nile States and Juba,

Emphasizing the inviolability of United Nations premises, and underlining that attacks against civilians and United Nations premises may constitute war crimes,

Expressing grave concern at the attack on the protection-of-civilians site of the United Nations Mission in South Sudan in Malakal on 17 and 18 February 2016, and for the civilians who sought safety in the protection-of-civilians site that have been attacked, killed, traumatized and displaced, and that serious damage was caused to the entire site, including to medical clinics and schools, which were burned down and destroyed, and at sexual and gender-based violence against women and girls exiting protection-of-civilians sites throughout the country,

Recalling that the Government of South Sudan has the primary responsibility to protect all populations in the country from genocide, war crimes, ethnic cleansing and crimes against humanity,

Gravely concerned about ongoing reports of increased levels of sexual and gender-based violence committed against women and girls and instances of conflict-related rape and gang rape, coupled with beatings and abductions, including in July and August 2016 during the outbreak of fighting in Juba,

Expressing grave concern at the burning, looting, and wholesale destruction of villages, the targeting of civilians and health-care facilities, and the attacks on places of worship,

Condemning in the strongest terms the violence that broke out between the Government and the South Sudan People's Liberation Movement/Army in Opposition in early July 2016, and urging all parties to pursue the path of a peaceful resolution to the existing conflict,

Recognizing the importance of providing timely assistance and protection to survivors of sexual and gender-based violence, including sexual and reproductive health, psychosocial, legal and livelihood support and other multi-sectoral services for survivors of

sexual and gender-based violence, including working with communities to reintegrate those affected by sexual and gender-based violence, and taking into account the specific needs of persons with disabilities,

Emphasizing the importance of good governance and the rule of law as key elements of conflict prevention, peacekeeping, conflict resolution and peacebuilding,

Expressing concern that the situation in South Sudan continues to be characterized by impunity,

Expressing particular concern at the severe reduction of democratic space in South Sudan, including through the heightened restrictions on the freedom of expression and the freedoms of peaceful assembly and association, attacks on journalists and media workers, and the limitations on the operations of civil society, human rights defenders and the media, and stressing the responsibility of the Government of South Sudan to address these issues in accordance with the Agreement on the Resolution of the Conflict in the Republic of South Sudan and in the interest of fostering an open and inclusive political environment,

Recognizing that transitional justice mechanisms are important elements in a national reconciliation process and in implementing the Agreement, including by addressing accountability, reparations, truth-seeking and guarantees of non-recurrence,

Underlining the role that domestic, regional and international accountability mechanisms can play in assisting South Sudan to ensure accountability,

1. *Condemns* the ongoing violations and abuses of human rights and violations of international humanitarian law in South Sudan, including those involving targeted killings of civilians, ethnically targeted violence, rape and other forms of sexual and gender-based violence, the widespread recruitment and use of children, arbitrary arrests and detention, alleged torture, arbitrary denial of humanitarian access and attacks on schools, places of worship, hospitals and United Nations and associated peacekeeping personnel, by all parties, also condemns the harassment and violence directed at civil society, human rights defenders, humanitarian personnel and journalists, and emphasizes that those responsible for violations and abuses of human rights and violations of international humanitarian law must be held accountable;

2. *Condemns in the strongest possible terms* the widespread sexual and gender-based violence, including rape and gang rape, which can be used as a weapon of war, and the impunity for such violence, by all armed groups;

3. *Demands* that all actors put a halt to all violations and abuses of human rights and all violations of international humanitarian law, and strongly calls upon the Government of South Sudan to ensure the protection and promotion of human rights and fundamental freedoms;

4. *Notes with appreciation* the report of the Commission on Human Rights in South Sudan,[1] and the recommendations contained therein;

5. *Recognizes* the important role of the Joint Monitoring and Evaluation Commission, chaired by former President Festus Mogae, to support the Agreement on the Resolution of the Conflict in the Republic of South Sudan and its ceasefire provisions, and urges all parties and international partners to engage constructively with the Commission and other bodies created by the Agreement;

6. *Also recognizes* the important role played by the African Union High Representatives for South Sudan in support of an inclusive process for national dialogue and agreement implementation, and urges all parties and international partners to constructively engage with the African Union Commission, the African Union High Representative for South Sudan, as well as other bodies created by the Agreement;

7. *Stresses* that perpetrators of violations of international humanitarian law and violations and abuses of human rights, including any that amount to war crimes or crimes against humanity, should be held accountable;

8. *Calls upon* the Government of South Sudan to investigate all violations and abuses of human rights and violations of international humanitarian law and to hold those responsible to account, while affording fair trial protections to the accused and supporting victims and protecting potential witnesses before, during and after legal proceedings;

9. *Urges* the Government of South Sudan to take steps immediately to protect the rights to freedom of expression, peaceful assembly and association in accordance with its international human rights obligations, and to, among other things, ensure that members of civil society organizations and the media can operate freely and without intimidation;

10. *Strongly urges* all parties to end and prevent violations and abuses of human rights committed against children, and calls upon all parties to end immediately the unlawful recruitment of children and to release all children that have been unlawfully recruited to date;

11. *Recognizes* the important role that women, including South Sudanese women, play in building peace, and calls for the protection and promotion of the rights of women, their empowerment and participation in peacebuilding, conflict resolution and post-conflict processes, in accordance with Security Council resolution 1325 (2000) of 31 October 2000 and subsequent resolutions on women, peace and security, including Council resolution 2242 (2015) of 13 October 2015;

12. *Emphasizes* the need for the Government of South Sudan to ensure the participation of women during all stages and in all structures envisaged in the Agreement on the Resolution of the Conflict in the Republic of South Sudan;

13. *Supports* the establishment of transitional justice institutions, and urges the speedy establishment of an independent hybrid court by the African Union Commission to investigate and prosecute those responsible for violations or abuses of international human rights and international humanitarian law, where applicable, and/or applicable South Sudanese law, and calls upon all parties to cooperate fully in the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including chapter V thereof;

14. *Notes with appreciation* that the Government of South Sudan has cooperated with the Office of the United Nations High Commissioner for Human Rights, United Nations special procedures and the Commission on Human Rights in South Sudan in the fulfilment of its mandate, including by authorizing travel to and within the country and providing meetings and relevant information, and calls upon the Government to continue to cooperate fully and constructively with and to provide unhindered access to them, as well as to the United Nations Mission in South Sudan and the Regional Protection Force, once it is stood up, and regional, subregional and international mechanisms on the ground;

15. *Reaffirms* the importance of the mandate of the Commission on Human Rights in South Sudan, with continued emphasis on the need to establish the facts and circumstances of alleged violations and abuses of human rights with a view to ensure that those responsible are held to account, and welcomes the recommendations made by the Commission on ending impunity and ensuring accountability;

16. *Decides* to extend the mandate of the Commission on Human Rights in South Sudan, composed of three members, for a period of one year, renewable as authorized by the Human Rights Council, with the following mandate:

(*a*) To monitor and report on the situation of human rights in South Sudan, and to make recommendations to prevent further deterioration of the situation with a view to its improvement;

(*b*) To determine and report the facts and circumstances of, collect and preserve evidence of, and clarify responsibility for alleged gross violations and abuses of human rights and related crimes, including sexual and gender-based violence and ethnic violence, with a view to ending impunity and providing accountability, and to make such information available also to all transitional justice mechanisms, including those to be established pursuant to chapter V of the Agreement on the Resolution of the Conflict in the Republic of South Sudan, including the hybrid court for South Sudan, once established in cooperation with the African Union;

(*c*) To report on the factual basis for transitional justice and reconciliation;

(*d*) To provide guidance on transitional justice, including accountability and reconciliation and healing, as appropriate, and – once the Government of South Sudan commits to cooperating with the African Union on establishing the hybrid court for South Sudan – to make recommendations on technical assistance to the Government to support accountability, reconciliation and healing;

(*e*) To engage with the Government of South Sudan, international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union, including by building upon the work of its Commission of Inquiry on South Sudan and its African Commission on Human and Peoples' Rights, the Intergovernmental Authority on Development, including the Partners Forum, the Chair of the Joint Monitoring and Evaluation Commission and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

(*f*) To make recommendations on technical assistance and capacity-building, as appropriate, including to law enforcement institutions, on the promotion and protection of human rights and fundamental freedoms, including on addressing sexual and gender-based violence;

17. *Reiterates* its request to the Commission on Human Rights in South Sudan, in response to the twenty-sixth special session of the Human Rights Council, and as soon as feasibly possible, working with the wider United Nations system, to suggest priority recommendations for the Government of South Sudan to consider how to end sexual and gender-based violence, urges relevant United Nations actors to assist in such implementation as appropriate, and urges the Government to appoint a special representative on sexual and gender-based violence;

18. *Requests* the Office of the High Commissioner to provide the full administrative, technical and logistical support needed to enable the Commission on Human Rights in South Sudan to carry out its mandate;

19. *Reiterates* its request that representatives of the Office of the High Commissioner, the African Union, the Joint Monitoring and Evaluation Commission, the African Commission on Human and Peoples' Rights and other stakeholders, as appropriate, be invited to discuss the situation of human rights in South Sudan and the steps taken by the Government of South Sudan to ensure accountability for human rights violations and abuses in an enhanced interactive dialogue at the thirty-sixth session of the Human Rights Council;

20. *Requests* the Commission on Human Rights in South Sudan to participate in the enhanced interactive dialogue mentioned in paragraph 19 above, and to present a

comprehensive written report, in an interactive dialogue, to the Human Rights Council at its thirty-seventh session;

21. *Requests* that the report of the Commission on Human Rights in South Sudan be submitted to the Human Rights Council and then shared with the African Union and all relevant organs of the United Nations;

22. *Decide*s to remain seized of the matter.

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Agenda item 10
Technical assistance and capacity-building

Afghanistan,* Angola,* Australia,* Bahamas,* Bangladesh, Barbados,* Bhutan,* Bosnia and Herzegovina,* Brazil, Bulgaria,* Burkina Faso,* Cabo Verde,* Canada,* Cuba, Cyprus,* Denmark,* Djibouti,* Fiji,* Finland,* France,* Gabon,* Georgia, Germany, Guyana,* Haiti,* Iceland,* Ireland,* Italy,* Jamaica,* Lao People's Democratic Republic,* Libya,* Luxembourg,* Madagascar,* Maldives,* Mali,* Malta,* Marshall Islands,* Mauritius,* Micronesia (Federated States of),* Montenegro,* Morocco,* Namibia,* Nauru,* Nepal,* Netherlands, New Zealand,* Norway,* Pakistan,* Panama, Peru,* Philippines, Poland,* Republic of Korea, Romania,* Rwanda, Samoa,* Senegal,* Sierra Leone,* Singapore,* Solomon Islands,* Somalia,* Spain,* Sudan,* Switzerland, Thailand,* Timor-Leste,* Tonga,* Trinidad and Tobago,* Turkey,* Tuvalu,* Ukraine,* United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu:* draft resolution

34/... Promoting the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council

The Human Rights Council,

Recalling its resolution 19/26 of 23 March 2012 establishing the terms of reference for the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council,

Recalling also its decision 31/115 of 23 March 2016 on the holding of a high-level panel discussion on the occasion of the tenth anniversary of the Human Rights Council and the value placed upon the participation of all States Members of the United Nations in the work of the Council,

Reaffirming its resolution 33/28 of 30 September 2016 on the enhancement of technical cooperation and capacity-building in the field of human rights, and welcoming the

* State not a member of the Human Rights Council.

panel discussion under agenda item 10 to be held during its thirty-fifth session, entitled "A decade of technical cooperation and capacity-building in the Human Rights Council: challenges and the way forward",

Recalling General Assembly resolution 70/1 of 25 September 2015 on the 2030 Agenda for Sustainable Development,

Recognizing that the enhancement of international cooperation is essential for the effective promotion and protection of human rights,

Recognizing also the importance of enhancing international support for implementing effective and targeted capacity-building in developing countries to support national plans to implement the Sustainable Development Goals,

Recognizing further the importance of the universal participation of all States Members of the United Nations in the work of the Human Rights Council,

1. *Welcomes* the efforts of the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council to meet fully its mandate;

2. *Recognizes* the continued achievements of the Trust Fund since its operationalization in 2014, and in particular its contribution to the following:

(*a*) The commemoration of the tenth anniversary of the Human Rights Council at its thirty-second session in June 2016, at which there was universal representation of States Members of the United Nations for the first time;

(*b*) The creation and provision of an e-learning tool, in the working languages of the secretariat of the Trust Fund, providing initial training and information on the rules, functioning and customary practices of the Council and its mechanisms;

(*c*) The participation of 70 delegates, namely 39 women and 31 men, from 51 least developed countries and small island developing States, in the work of the Council;

(*d*) The participation of eight delegates from least developed countries and small island developing States in its fellowship programme to support their delegations in the work of the Council;

(*e*) Induction training prior to the sessions of the Council;

3. *Encourages* the secretariat of the Trust Fund to continue its training and capacity-building activities and briefings regarding the conduct and management of the Trust Fund;

4. *Expresses appreciation* for the efforts made by the secretariat of the Trust Fund to conduct its work in different working languages of the United Nations;

5. *Recognizes* the broadest application of the terms "least developed countries" and "small island developing States" used by United Nations programmes and entities when considering applications to the Trust Fund;

6. *Decides* that the Trust Fund will conduct at least one briefing on the outcomes of the regular and special sessions of the Human Rights Council each year in New York, prior to the commencement of each session of the General Assembly, for least developed countries and small island developing States, with a view to supporting the engagement of these delegations in the work of the Third Committee;

7. *Also decides* that the Trust Fund will conduct workshops in Africa, Asia and the Pacific, and the Caribbean, before the tenth anniversary of the Trust Fund, reflecting on its achievements, identifying where further improvements might be made and assessing the

value of its activities in fulfilling its training and capacity-building mandate in support of the engagement of least developed countries and small island developing States in the work of the Human Rights Council and its mechanisms;

8. *Requests* the Office of the United Nations High Commissioner for Human Rights to prepare a report, in consultation with the beneficiaries of the Trust Fund, in which the Office evaluates the activities of the Trust Fund in meeting its training and capacity-building mandate, and to present the report to the Human Rights Council at its forty-ninth session, on the occasion of the tenth anniversary of the Trust Fund;

9. *Welcomes with appreciation* the voluntary contributions of States to the Trust Fund, and encourages all States to make such voluntary contributions.

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Agenda item 3
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Argentina,* Armenia,* Bosnia and Herzegovina,* Canada,* Colombia,* El Salvador, Georgia, Germany, Greece,* Haiti,* Honduras,* Indonesia, Mexico,* Montenegro,* Netherlands, Panama, Paraguay, Peru,* Portugal, Sweden,* Switzerland, Turkey,* United States of America, Uruguay:* draft resolution

34/... Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants

The Human Rights Council,

Reaffirming the Universal Declaration of Human Rights, which proclaims that all human beings are born free and equal in dignity and rights and that everyone is entitled to all the rights and freedoms set out therein, without distinction of any kind, in particular as to race, colour, sex, religion or national origin,

Recalling all international norms and standards relevant to the human rights of migrants,

Recalling also Commission on Human Rights resolutions 1999/44 of 27 April 1999, 2002/62 of 25 April 2002 and 2005/47 of 19 April 2005, General Assembly and Human Rights Council resolutions on the human rights of migrants, and Council resolutions 8/10 of 18 June 2008, 17/12 of 17 June 2011 and 26/19 of 26 June 2014 entitled "Human rights of migrants: mandate of the Special Rapporteur on the human rights of migrants",

Bearing in mind paragraph 6 of General Assembly resolution 60/251 of 15 March 2006,

Recalling its resolutions 5/1, on the institution-building of the Human Rights Council, and 5/2, on the Code of Conduct for Special Procedures Mandate Holders of the Council, of 18 June 2007, and stressing that the mandate holder shall discharge his or her duties in accordance with those resolutions and the annexes thereto,

* State not a member of the Human Rights Council

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Resolved to ensure respect for the human rights and fundamental freedoms of all migrants,

1. *Decides* to extend for a period of three years, effective from the end of its thirty-fifth session, the mandate of the Special Rapporteur on the human rights of migrants, with the following functions:

(*a*) To examine ways and means to overcome the obstacles existing to the full and effective protection of the human rights of migrants, recognizing the particular vulnerability of women, children and those undocumented or in an irregular situation;

(*b*) To request and receive information from all relevant sources, including migrants themselves, on violations of the human rights of migrants and their families;

(*c*) To formulate appropriate recommendations to prevent and remedy violations of the human rights of migrants, wherever they may occur;

(*d*) To promote the effective application of relevant international norms and standards on the issue;

(*e*) To recommend actions and measures applicable at the national, regional and international levels to eliminate violations of the human rights of migrants;

(*f*) To take into account a gender perspective when requesting and analysing information, and to give special attention to the occurrence of multiple forms of discrimination and violence against migrant women;

(*g*) To give particular emphasis to recommendations on practical solutions with regard to the implementation of the rights relevant to the mandate, including by identifying best practices and concrete areas and means for international cooperation;

(*h*) To report regularly to the Human Rights Council, according to its annual programme of work, and to the General Assembly, at the request of the Council or the Assembly, bearing in mind the utility of maximizing the benefits of the reporting process;

2. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into consideration relevant human rights instruments of the United Nations to promote and protect the human rights of migrants;

3. *Also requests* the Special Rapporteur, in carrying out his or her mandate, to request, receive and exchange information on violations of the human rights of migrants from Governments, treaty bodies, specialized agencies, special rapporteurs for various human rights questions and from intergovernmental organizations, other competent organizations of the United Nations system and non-governmental organizations, including migrants' organizations, and to respond effectively to such information;

4. *Further requests* the Special Rapporteur, as part of his or her activities, to continue his or her programme of visits, which contribute to improving the protection afforded to the human rights of migrants and to the broad and full implementation of all aspects of his or her mandate;

5. *Requests* the Special Rapporteur, in carrying out his or her mandate, to take into account bilateral, regional and international initiatives that address issues relating to the effective protection of human rights of migrants, including the return and reintegration of migrants who are undocumented or in an irregular situation;

6. *Encourages* Governments to give serious consideration to inviting the Special Rapporteur to visit their countries so as to enable him or her to fulfil the mandate effectively;

7. *Also encourages* Governments to cooperate fully with the Special Rapporteur in the performance of the tasks and duties mandated, to furnish all information requested, to consider the implementation of the recommendations contained in the reports of the Special Rapporteur, and to react promptly to his or her urgent appeals;

8. *Requests* all relevant mechanisms to cooperate with the Special Rapporteur;

9. *Requests* the Secretary-General to give the Special Rapporteur all the human and financial assistance necessary for the fulfilment of his or her mandate.

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Agenda item 4
Human rights situations that require the Council's attention

Albania, Australia,* Austria,* Belgium, Bulgaria,* Canada,* Cyprus,* Czechia,* Denmark,* Estonia,* Finland,* France,* Germany, Iceland,* Ireland,* Israel,* Italy,* Japan, Jordan,* Kuwait,* Latvia, Liechtenstein,* Luxembourg,* Maldives,* Malta,* Montenegro,* Morocco,* Netherlands, Poland,* Qatar, Romania,* Saudi Arabia, Slovenia, Spain,* Sweden,* Turkey,* United Kingdom of Great Britain and Northern Ireland, United States of America: draft resolution

34/... The human rights situation in the Syrian Arab Republic

The Human Rights Council,

Guided by the Charter of the United Nations,

Reaffirming all previous Human Rights Council resolutions on the Syrian Arab Republic,

Reaffirming also its strong commitment to the full respect of sovereignty, independence, unity and territorial integrity of the Syrian Arab Republic,

Demanding that the Syrian authorities meet their responsibility to protect the Syrian population,

Condemning the grave deterioration of the human rights situation and the indiscriminate or deliberate targeting of civilians as such, in violation of international humanitarian law, and acts of violence that foment sectarian tensions,

Reiterating that the only sustainable solution to the current conflict in the Syrian Arab Republic is through an inclusive, Syrian-led and Syrian-owned political process under the auspices of the United Nations, based on the Geneva communiqué of 30 June 2012 as endorsed by the Security Council in its resolutions 2118 (2013) of 27 September 2013, 2254 (2015) of 18 December 2015 and 2268 (2016) of 26 February 2016 and relevant statements of the International Syria Support Group,

* State not a member of the Human Rights Council.

Expressing full support for the efforts of the Special Envoy of the Secretary-General for Syria to facilitate an inclusive and Syrian-led process in accordance with the Geneva communiqué and Security Council resolution 2254 (2015), with a view to establishing credible, inclusive and non-sectarian governance, in accordance with the afore-mentioned documents, and urging the Special Envoy to continue to push the parties to negotiate a political transition,

Demanding that all parties to the cessation of hostilities in the Syrian Arab Republic fulfil their commitments, and urging all Member States, especially the members of the International Syria Support Group, to use their influence with the parties to the cessation of hostilities to ensure fulfilment of the ceasefire and to support efforts to render the ceasefire durable and end violations, which is essential to achieving a political solution to the conflict in the Syrian Arab Republic and to bringing to an end the systematic, widespread and gross violations and abuses of human rights and violations of international humanitarian law,

Welcoming Security Council resolution 2336 (2016) of 31 December 2016, and supporting the efforts of Turkey and the Russian Federation, particularly the ceasefire that they helped to establish and that came into effect on 30 December 2016,

Welcoming also the international meeting on the Syrian Arab Republic, held in Astana on 23 and 24 January, as anticipated in Security Council resolution 2336 (2016), and encouraging all parties to fully implement the ceasefire established pursuant to the arrangements of 29 December,

Recalling the statements made by the Secretary-General and the United Nations High Commissioner for Human Rights that crimes against humanity and war crimes are likely to have been committed in the Syrian Arab Republic,

Expressing its deepest concern about the findings of the Independent International Commission of Inquiry on the Syrian Arab Republic,

Deploring the lack of cooperation by the Syrian authorities with the Commission of Inquiry,

Acknowledging the ongoing efforts by human rights defenders active in the Syrian Arab Republic to document violations and abuses of international human rights law and violations of international humanitarian law, despite grave risks,

1. *Calls upon* all Member States, especially members of the International Syria Support Group, to create conditions that foster continued negotiations for a political solution to the Syrian conflict, under the auspices of the United Nations in Geneva, by working to strengthen the nationwide ceasefire, to enable full, immediate and safe humanitarian access, and to lead to the release of detainees, as only a durable political solution to the conflict can bring an end to the systematic, widespread and gross violations and abuses of international human rights law and violations of international humanitarian law;

2. *Welcomes* the work of the Independent International Commission of Inquiry on the Syrian Arab Republic to investigate all alleged violations and abuses of international human rights law since March 2011 in the Syrian Arab Republic, to establish the facts and circumstances and to support efforts to ensure that perpetrators of abuses and violations, including those who may be responsible for crimes against humanity, are held accountable, and notes the importance of the work of the Commission of Inquiry and the information it has collected in support of future accountability efforts, in particular the information on those who have allegedly violated international law;

3. *Decides* to extend for one year the mandate of the Commission of Inquiry, established by the Human Rights Council in its resolution S-17/1 of 22 August 2011;

4. *Requests* the Commission of Inquiry to provide an oral update to the Human Rights Council during an interactive dialogue at its thirty-fifth session, and to present a written updated report during an interactive dialogue at the thirty-sixth and thirty-seventh sessions;

5. *Demands* that the Syrian authorities cooperate fully with the Human Rights Council and the Commission of Inquiry by granting it immediate, full and unfettered access throughout the Syrian Arab Republic;

6. *Strongly condemns* the continued systematic, widespread and gross violations and abuses of human rights and all violations of international humanitarian law by the Syrian authorities and affiliated militias, including foreign terrorist fighters and those foreign organizations fighting on behalf of the Syrian authorities, in particular Hizbullah, and expresses deep concern that their involvement further exacerbates the deteriorating situation in the Syrian Arab Republic, including the human rights and humanitarian situation, which has a serious negative impact on the region;

7. *Also strongly condemns* the terrorist acts and violence committed against civilians by the so-called Islamic State in Iraq and the Levant (Daesh), al-Nusrah Front or other terrorist organizations, designated by the Security Council, and their continued gross, systematic and widespread abuses of international human rights law and violations of international humanitarian law, reaffirms that terrorism, including the actions of the so-called Islamic State in Iraq and the Levant (Daesh), cannot and should not be associated with any religion, nationality or civilization, and stresses the importance of the full implementation of Security Council resolution 2170 (2014) of 15 August 2014;

8. *Condemns in the strongest terms* the gross and systematic abuse of women's and children's rights by the so-called Islamic State in Iraq and the Levant (Daesh), in particular the enslavement and sexual abuse of women and girls, enforced disappearances and the forced recruitment and abduction of children;

9. *Condemns* all violations and abuses of international human rights law and all violations of international humanitarian law, including against women and children, and persons with disabilities;

10. *Urges* all parties to the conflict not to commit indiscriminate attacks against the civilian population and civilian objects, including against medical facilities, personnel and transport and schools as such, to comply with their obligations under international humanitarian law and to respect international human rights law;

11. *Strongly condemns* the besiegement and bombardment of eastern Aleppo in the second half of 2016, which, as made clear by the Commission of Inquiry in its most recent report,[1] subjected the civilian population of the city to untold suffering and claimed hundreds of lives;

12. *Expresses its profound concern* at the findings of the Commission of Inquiry in its report, including those suggesting that the offensive against Aleppo involved serious violations and abuses of international human rights law and violations of international humanitarian law by all parties to the conflict, which, according to the Commission, in many cases amounted to war crimes, in particular by the Syrian authorities and its allies;

13. *Also expresses its profound concern* at the Commission's findings that strongly suggest that pro-regime forces committed the war crimes of intentionally targeting protected objects under international law, including medical personnel and transport;

[1] A/HRC/34/CRP.3.

14. *Strongly condemns* the attack on a humanitarian aid convoy on 19 September 2016, killing at least 14 people, which, according to the Commission of Inquiry in its report, was conducted by the Syrian air force, and amounts to the war crimes of deliberately attacking humanitarian relief personnel, denial of humanitarian aid, and attacking civilians;

15. *Also strongly condemns* the indiscriminate use of weapons against civilian areas, such as barrel bombs, cluster munitions and incendiary weapons, which, according to the report were conducted by the regime and pro-regime forces and amounts to the war crime of indiscriminate attacks against a civilian population;

16. *Further strongly condemns* the use of chemical weapons by the Syrian regime, which, according to the Commission of Inquiry in its report, were used by Syrian forces and amounts to the war crime of indiscriminate attacks against a civilian population;

17. *Condemns* the use of unguided and imprecise weaponry, which, according to the Commission of Inquiry in its report, was used by armed groups during the shelling of western Aleppo and amounts to the war crime of indiscriminate attacks against a civilian population;

18. *Urges* all parties to the conflict to heed the recommendations made by the Commission of Inquiry in its report, including the need to comply with their respective obligations under international human rights and international humanitarian law, including refraining from disproportionate and indiscriminate attacks;

19. *Strongly condemns* the widespread practice of enforced disappearance, arbitrary detention and the use of sexual violence, torture and ill-treatment, especially in detention facilities run by the Syrian authorities, including those acts referenced in the reports of the Commission of Inquiry, as well as those depicted in the evidence presented by "Caesar" in January 2014, and notes that such acts may constitute violations and abuses of international human rights law or violations of international humanitarian law;

20. *Condemns* the denial of medical services in all prisons and detention facilities;

21. *Recognizes* the permanent damage that torture and ill-treatment, including sexual abuse and violence, causes to its victims and their families;

22. *Calls for* the appropriate international monitoring bodies to be granted immediate access without undue restriction to all detainees, and for the Syrian authorities to publish a list of all detention facilities;

23. *Demands* the immediate release of all persons arbitrarily detained, including women, children, human rights defenders, humanitarian aid providers, medical personnel and journalists;

24. *Recalls* the decision of the Security Council that the Syrian Arab Republic shall not use, develop, produce, otherwise acquire, stockpile or retain chemical weapons, or, transfer, directly or indirectly, chemical weapons to other States or non-State actors[2] and, in keeping with the decision of the Council, expresses its strong conviction that those individuals responsible for the use of chemical weapons in the Syrian Arab Republic should be held accountable;

25. *Welcomes* the reports of the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism of 24 August and 21 October

[2] See Security Council resolution 2235 (2015).

2016,[3] and expresses grave concern at its findings that the Syrian armed forces were responsible for the use of chemical weapons (chlorine) in three attacks in the Syrian Arab Republic – in Talmenes in 2014 and Qmenas and Sarmin in 2015 – and that the so-called Islamic State in Iraq and the Levant (Daesh) was responsible for one sulphur mustard attack in the Syrian Arab Republic, in Marea in 2015;

26. *Condemns in the strongest possible terms* the use of chemical weapons in the Syrian Arab Republic, as reported by the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism, which violates the Chemical Weapons Convention, Security Council resolution 2118 (2013), and the decisions of the Executive Council of the Organization, including decision EC-M-33/DEC.1, as well as the use of chemical weapons in contravention of well-established international standards and norms against such use, and expresses its strong conviction that those individuals responsible for the use of chemical weapons must be held accountable;

27. *Demands* that all parties identified in the reports of the Organization for the Prohibition of Chemical Weapons – United Nations Joint Investigative Mechanism as having been involved in the use of toxic chemicals as weapons to immediately desist from any further use;

28. *Calls upon* the Syrian authorities and all other parties to the conflict to ensure the effective implementation of Security Council resolutions 2139 (2014) of 22 February 2014 and 2254 (2015), and in particular to end the arbitrary detention and torture of civilians in the Syrian Arab Republic, notably in prisons and detention facilities, as well as kidnappings, abductions and forced disappearances, as demanded by the Council in its resolution 2139 (2014);

29. *Strongly condemns* all use of starvation of civilians as a method of combat, and all besiegement directed against civilian populations;

30. *Condemns* the reported forced displacement of populations in the Syrian Arab Republic and the alarming impact thereof on the demography of the country, and calls upon all parties concerned to cease immediately all activities that cause these actions, including any activities that may amount to war crimes and crimes against humanity;

31. *Condemns* the Syrian authorities' indiscriminate use of heavy weapons and aerial bombardments, including cluster munitions, incendiary weapons, ballistic missiles and barrel bombs, and calls for an immediate end to all attacks against civilians and civilian infrastructure, including medical facilities;

32. *Stresses* the need to promote accountability for those responsible for the unlawful killings of civilians, and also stresses the importance of holding to account those responsible for all violations of international humanitarian law and violations and abuses of international human rights law;

33. *Strongly condemns* violence against all persons based on their religious or ethnic affiliation;

34. *Demands* that all parties take all appropriate steps to protect civilians, including members of ethnic, religious and confessional communities, and stresses that, in this regard, the primary responsibility to protect the Syrian population lies with the Syrian authorities;

35. *Strongly condemns* the damage and destruction of the cultural heritage of the Syrian Arab Republic, in particular the destruction of the cultural heritage in Palmyra, and

[3] See S/2016/738.

the organized looting and trafficking of Syrian cultural property, as outlined by the Security Council in its resolution 2199 (2015) of 12 February 2015;

36. *Affirms* that attacks intentionally directed against historic monuments may amount to war crimes, and underlines the need to bring the perpetrators of such crimes to justice;

37. *Calls upon* the international community to support the leadership and full and meaningful participation of women in all efforts, including decision-making, with the aim of finding a political solution to the conflict in the Syrian Arab Republic, as envisaged by the Security Council in its resolutions 1325 (2000) of 31 October 2000, 2122 (2013) of 18 October 2013, 2254 (2015), 2268 (2016) of 26 February 2016, 2332 (2016) of 21 December 2016 and 2336 (2016), and welcomes the participation of the Women's Advisory Board and civil society in the United Nations-led talks, in order to ensure that all resulting peacebuilding efforts are gender-responsive and consider the differential impact of conflict on women and girls, and their specific needs and interests;

38. *Recalls* that the International Criminal Court was established to help to end impunity for applicable crimes where the State is unwilling or unable to genuinely carry out investigations or prosecutions;

39. *Emphasizes* the need to ensure that all those responsible for violations of international humanitarian law or violations and abuses of international human rights law are held to account through appropriate, fair and independent domestic or international criminal justice mechanisms, and stresses the need to pursue practical steps towards this goal, noting the important role that the International Criminal Court can play in this regard;

40. *Welcomes* the establishment of the International, Impartial and Independent Mechanism to Assist in the Investigation and Prosecution of Persons Responsible for the Most Serious Crimes under International Law Committed in the Syrian Arab Republic since March 2011 by the General Assembly in its resolution 71/248 of 21 December 2016, and stresses the complementary nature of its mandate with that of the Commission of Inquiry;

41. *Invites* Member States to support actively the International, Impartial and Independent Mechanism;

42. *Reaffirms* that, in the context of an inclusive and credible dialogue, the Syrian people should determine the appropriate process and mechanisms to achieve justice, reconciliation, truth and accountability for gross violations and abuses of international law, as well as reparations and effective remedies for victims;

43. *Emphasizes* that all efforts to bring a peaceful conclusion to the ongoing conflict in the Syrian Arab Republic must fully reflect the importance of ensuring accountability for the crimes committed in the country as a prerequisite to bring about reconciliation and sustainable peace;

44. *Expresses deep concern* at the growing number of refugees and internally displaced persons fleeing the violence in the Syrian Arab Republic, welcomes the efforts by neighbouring countries to host Syrian refugees, and acknowledges the socioeconomic consequences of the presence of large-scale refugee populations in those countries;

45. *Deplores* the deteriorating humanitarian situation in the Syrian Arab Republic, and urges the international community to provide urgent financial support to enable the host countries to respond to the growing humanitarian needs of Syrian refugees, while emphasizing the principle of burden-sharing;

46. *Demands* that the Syrian authorities facilitate, and all other parties to the conflict do not hinder, the full, immediate and safe access of the United Nations and

humanitarian actors, including to hard-to-reach and besieged areas, in accordance with Security Council resolutions 2139 (2014), 2165 (2014) of 14 July 2014, 2191 (2014) of 17 December 2014, 2254 (2015), 2258 (2015) of 22 December 2015 and 2268 (2016), and calls upon Member States to fully fund the United Nations appeals;

47. *Welcomes* the progress made since 2013 by the international conferences on supporting the Syrian Arab Republic and the region in Kuwait City and London, and the initiative by the European Union, the United Kingdom of Great Britain and Northern Ireland, Kuwait, Qatar, Germany, Norway and the United Nations to host a follow-up conference in Brussels on 5 April 2017 aimed at assessing progress in implementing the commitments made at the London conference and to reconfirm and identify additional support for the immediate humanitarian and long-term development needs in the Syrian Arab Republic and the region and at boosting international support for the United Nations-led intra-Syrian talks in Geneva;

48. *Renews its call* upon all members of the international community to respond expeditiously to the Syrian 2017 humanitarian appeals and to deliver in full all pledges, including multi-year pledges, made at the London conference;

49. *Notes* those countries outside the region that have put in place measures and policies to assist and to host Syrian refugees, and encourages them to do more, and encourages other States outside the region to consider implementing similar measures and policies, also with a view to providing Syrian refugees with protection and humanitarian assistance;

50. *Reaffirms* that there can only be a political solution to the conflict in the Syrian Arab Republic, and urges the parties to the conflict to abstain from actions that may contribute to the continuing deterioration of the human rights, security and humanitarian situation in order to reach a genuine political transition, based on the Geneva communiqué, consistent with Security Council resolutions 2254 (2015) and 2268 (2016), that meets the legitimate aspirations of the Syrian people for a civil, democratic and pluralistic State, where all citizens receive equal protection, regardless of gender, religion or ethnicity;

51. *Demands* that all parties work urgently towards the comprehensive implementation of the Geneva communiqué, including through the establishment of an inclusive transitional governing body with full executive powers, which shall be formed on the basis of mutual consent while ensuring the continuity of governmental institutions;

52. *Decides* to transmit all reports and oral updates of the Commission of Inquiry to all relevant bodies of the United Nations, and recommends that the General Assembly submit the reports to the Security Council for appropriate action, and expresses its appreciation to the Commission for its briefings to members of the Security Council, and recommends the continuation of future briefings;

53. *Decides* to remain seized of the matter.